

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
IMPULSE MEDIA GROUP, INC.,  
Defendant.

No. C05-1285RSL

## ORDER DENYING DEFENDANT'S MOTION TO DISMISS

This matter comes before the Court on “Defendant’s Motion for Entry of Judgment in Favor of Defendant Pursuant to Fed. R. Civ. P. 16, Local Rule CR 16, and Local Rule GR 3.” Dkt. # 57. Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds that dismissal is too harsh a sanction for plaintiff’s failure to serve its pretrial statement on defendant in a timely manner. There is no indication that plaintiff’s failure was willful or otherwise designed to gain an unfair advantage in this litigation. Defendant’s motion is therefore DENIED.

Dated this 12th day of March, 2008.

Mrs Lasnik  
Robert S. Lasnik  
United States District Judge

**ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS**